

**IN THE UNITED STATES DISTRICT FOR THE  
EASTERN DISTRICT OF TEXAS,  
SHERMAN DIVISION**

|  |   |                            |
|--|---|----------------------------|
| <b>JASON LEE VAN DYKE,</b>             | § |                            |
| <i>Plaintiff,</i>                      | § |                            |
|  | § |                            |
| <b>v.</b>                              | § |                            |
|  | § |                            |
| <b>THOMAS CHRISTOPHER</b>              | § | <b>NO. 4:18-CV-247-ALM</b> |
| <b>RETZLAFF, a/k/a DEAN</b>            | § |                            |
| <b>ANDERSON, d/b/a BV FILES, VIA</b>   | § |                            |
| <b>VIEW FILES, L.L.C., and VIAVIEW</b> | § |                            |
| <b>FILES,</b>                          | § |                            |
| <i>Defendants</i>                      | § |                            |

**RETZLAFF'S NOTICE OF ISSUANCE OF SUBPOENA AND  
NOTICE OF DEPOSITION *DUCES TECUM* OF JAMES MCGIBNEY**

TO: JASON VAN DYKE

PLEASE TAKE NOTICE, that pursuant to Fed. R. Civ. P. 45(a)(4) you are being notified of defendant's intent to issue the attached subpoena to appear at a deposition and this notice of deposition *duces tecum* to your identified witness.

TO: JAMES MCGIBNEY  
4305 RIDGEBEND DR  
ROUND ROCK, TX 78665

PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 30(a)(1) and 45, defendant will take the deposition upon oral examination, to be recorded by stenographic and videographic means, at the offices at **Huesby Global Litigation Support, 7000 N. Mopac Expressway, 2nd floor, Austin, TX 78731**. James McGibney is instructed to provide documents identified in the attached **Exhibit A**. The deposition will commence at **9:00 AM on June 8, 2020**. The deposition will continue from day to day until completed.

This notice was issued without your prior agreement because plaintiff did not cooperate in obtaining convenient dates for your deposition. Should you find the date or time noticed for this deposition inconvenient, this office will cheerfully cooperate to reschedule the deposition to a more convenient date or time without the need for court intervention.

In consideration of COVID-19, at your request and with 3-day notice you may appear remotely. Should you decide to appear remotely, you are still under subpoena to produce the documents identified in **Exhibit A** at the time of your deposition. If you are appearing remotely, arrangements must be made to provide the subpoenaed documents prior to the start of your deposition.

Respectfully submitted,

**HANSZEN LAPORTE**

By:                     /s/ Jeffrey L. Dorrell                    

**JEFFREY L. DORRELL**

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**ATTORNEYS FOR DEFENDANT TOM RETZLAFF**

### **CERTIFICATE OF SERVICE**

I certify that on 6-1, 2020, the foregoing was electronically filed using the Court's CM/ECF filing system, which will provide notice and a copy of this document to the following if a registered ECF filer in the United States District Court for the Eastern District of Texas, Sherman Division.

Mr. Jason Lee Van Dyke

Plaintiff, Pro Se

P.O. Box 2618

Decatur, Texas 76234

Telephone: 940-305-9242

[jasonleevandyke@gmail.com](mailto:jasonleevandyke@gmail.com)

                    /s/ Jeffrey L. Dorrell                    

**JEFFREY L. DORRELL**

### **DOCUMENTS TO BE PRODUCED**

1. All documents reflecting communications between your (or from any other 3rd party) and Jason Lee Van Dyke, to include all emails, text messages and any other form of communication (to include notes of any conversations), from January 1, 2014, to the date of your response.
2. All documents supporting a claim that Thomas Retzlaff is the author of content on the “BV Files” blog located at [www.ViaViewFiles.net](http://www.ViaViewFiles.net).
3. All documents supporting a claim that Thomas Retzlaff is an administrator of, or otherwise exercising control over, the *BV Files* blog.
4. All documents pertaining to any technical, scientific, or investigative methods you have used to determine that Thomas Retzlaff is an owner, administrator, author, or contributor of content to the “BV Files” blog located at [www.ViaViewFiles.net](http://www.ViaViewFiles.net).
5. Your most current resume.
6. All documents evidencing any computer technology and investigative training you have had, including college degrees, diplomas, certificates, or transcripts of course work.
7. All documents evidencing any special skills in computer technology you claim to possess, including college degrees, diplomas, certificates, or transcripts of course work.
8. All documents reflecting communications between you and Philip Klein, including audio recordings, letters, reports, e-mails, text messages, and any other form of communication (to include notes of any conversations), from January 1, 2014, to the date of your response.
9. All documents reflecting communications between you and Brittany Retzlaff, including audio recordings, letters, reports, e-mails, text messages, drafts of affidavits, interlineated comments on drafts of affidavits. and any other form of communication (to include notes of any conversations), from January 1, 2014, to the date of your response.
10. All documents reflecting communications between you and Collin Retzlaff, including audio recordings, letters, reports, e-mails, text messages, drafts of affidavits, interlineated comments on drafts of affidavits. and any other form

of communication (to include notes of any conversations), from January 1, 2014, to the date of your response.

11. All communications between you and Walker Wicevich, including audio recordings, letters, reports, e-mails, text messages, and any other form of communication (to include notes of any conversations), from January 1, 2014, to the date of your response.
12. All communications between you and any representative of the FBI, including audio recordings, letters, reports, e-mails, text messages, and any other form of communication (to include notes of any conversations), from January 1, 2014, to the date of your response.
13. All communications referencing or pertaining to Thomas Retzlaff between you and any member of local, state, or federal law enforcement.
14. Copies of any law enforcement reports, complaints, and communications, you have filed, submitted, or transmitted that reference or pertain to Thomas Retzlaff from January 1, 2014, to the date of your response.
15. All documents reflecting any surveillance activities performed by you or at your request on Thomas Retzlaff or any of his family members from January 1, 2014, to the date of your response.
16. All communications between you and any family member of Thomas Retzlaff, including audio recordings, letters, reports, e-mails, text messages, and any other form of communication (to include notes of any conversations), from January 1, 2014, to the date of your response.